



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/730,454

12/08/2003

Arne Agerlin Olsen

5676.210-US

3283

25908 7590 02/15/2008
NOVOZYMES NORTH AMERICA, INC.
500 FIFTH AVENUE
SUITE 1600
NEW YORK, NY 10110

EXAMINER

LIU, SUE XU

ART UNIT

PAPER NUMBER

1639

MAIL DATE

DELIVERY MODE

02/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation Sheet

Item 3

Applicant's proposed amendments would bring new structural and/or functional limitations (e.g. "subtilisin 309 variant", "an epitope pattern is an IgE epitope pattern" for "subtilisin 309 variant") into the pending claims (e.g. Claims 22 and 24), and thus would require new searches in both prior art considerations and other issues for patentability determination. In addition, the proposed amendments to the claims would also raise the issue of new matter. The recitation "an epitope pattern is an IgE epitope pattern" for "subtilisin 309 variant" in the proposed instant claims does not appear to have support in the instant disclosure as originally filed. Thus, the proposed claim amendments as filed on 1/28/08 will not be entered.

Item 11

As discussed under Item 3, the instant claims as would be amended are not entered due to consideration of new issues.

All previously set forth claim rejections are maintained for the reason of record:

A.) Claims 22-28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

B.) Claims 22-28 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for making and using protein variants based on Savinase listed on pp. 54-58

Art Unit: 1639

of the instant specification, does not reasonably provide enablement for making and using for protein variants that are based on other parent proteins.

C.) Claims 24, 25 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

D.) Claims 22-26 and 28 are rejected under **35 U.S.C. 102(b)** as being anticipated by Lovborg et al (WO 92/10755; 6/25/1992; cited in IDS, filed 12/8/03).

E.) Claims 22-26 and 28 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 22-24, and 26-29 of copending Application No. 09/957806 (20050181446; 9/21/01).

/S. L./

Examiner, Art Unit 1639

/Jon D. Epperson/

Primary Examiner, AU 1639